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NOTICE OF ALLOWANCE AND FEE(S) DUE

60337 7590 11/29/2010

THORNE & HALAJIAN, LLP
111 WEST MAIN STREET
BAY SHORE, NY 11706

EXAMINER

WENDELL, ANDREW

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 11/29/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,955	03/31/2004	Jonathan Lee Orwant	FTD4988	5873

TITLE OF INVENTION: METHOD AND APPARATUS FOR CREATING, DIRECTING, STORING AND AUTOMATICALLY DELIVERING A MESSAGE TO AN INTENDED RECIPIENT UPON ARRIVAL OF A SPECIFIED MOBILE OBJECT AT A DESIGNATED LOCATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/28/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issued on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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60337 7590 11/29/2010
THORNE & HALAJIAN, LLP
111 WEST MAIN STREET
BAY SHORE, NY 11706

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,955 03/31/2004

Jonathan Lee Orcutt

FTD4988

5873

TITLE OF INVENTION: METHOD AND APPARATUS FOR CREATING, DIRECTING, STORING AND AUTOMATICALLY DELIVERING A MESSAGE TO AN INTENDED RECIPIENT UPON ARRIVAL OF A SPECIFIED MOBILE OBJECT AT A DESIGNATED LOCATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/28/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
WENDELL, ANDREW	2618	455-456300

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev. 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims **SMALL ENTITY** status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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10/813,955	03/31/2004	Jonathan Lee Orwant	FT04988	5873
60337	7590	11/29/2010	EXAMINER	
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BAY SHORE, NY 11706				
			WENDELL, ANDREW	
			ART UNIT	PAPER NUMBER

2618

DATE MAILED: 11/29/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/813,955

Examiner

ANDREW WENDELL

Applicant(s)

ORWANT ET AL.

Art Unit

2618

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/18/2010.
2. ☒ The allowed claim(s) is/are 1,5,6,9-20,22,33-42,47-50 and 54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: Regarding claim 1, the prior art of record, Vataja teaches enabling both the sender and the intended recipient to send and receive an electronically deliverable message (Sections 0023 and 0033); obtaining a message provided by the sender (Sections 0027-0028); obtaining a location designated by the sender for delivery of the message (Sections 0004-0006 and 0027); tracking a specified mobile object having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals (Sections 0029-0030); determining from the transmitted current position whether the specified mobile object has reached the designated location (Sections 0007 and 0031); and initiating a procedure for automatic delivery of the message electronically to the intended recipient upon the specified mobile object being determined to have reached the designated location (Sections 0008 and 0031); wherein the specified mobile object is identified by the sender, and has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the sender provided the message (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state

communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

The prior art of record fails to teach a method to electronically deliver a message from a sender to an intended recipient based on tracking movement of a third device, the method comprising acts of enabling both the sender using a first device and the intended recipient using a second device to send and receive an electronically deliverable message between the first and second devices; obtaining a message provided by the sender; obtaining a location designated by the sender for delivery of said message; tracking the third device having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals; determining from the transmitted current position whether the third device has reached said designated location; and initiating a procedure for automatic delivery of said message electronically to the second device of the intended recipient upon the third device being determined to have reached said designated location, with each of the first, second and third devices being different devices; wherein the third device is identified by the sender.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 1, 5-6, 9-19, and 54.

Regarding claim 20, Vataja teaches providing each of the clients with a position-determining device that determines its own current position (Sections 0027 and 0029); obtaining, at the server, a message based on input from a first client (Sections 0027-0028); obtaining, at the server, a designated location based on input from the first client

(Sections 0004-0006 and 0027); obtaining, at the server, an identification of a second client as the intended recipient of the message, based on input from the first client (Sections 0031-0032); obtaining, at the server, identification one of the clients which is to be tracked for delivery of the message (Section 0029 and 0031-0032); determining, from the position-determining device of the client to be tracked for delivery of the message, whether the client being tracked has arrived at the designated location (Sections 0007 and 0031); automatically triggering electronic delivery of the message to the intended recipient upon the tracked mobile client being determined to have arrived at the designated location (Sections 0008 and 0031); and identifying the tracked mobile client, wherein the tracked mobile client has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the first client provided the input (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

The prior art of record fails to teach a method for delivering a message with an electronic communication system servicing a plurality of clients in a client-server relationship, wherein the system includes a server, and wherein each of the clients includes a position-determining device, the method comprising acts of providing each

of the clients with a position-determining device that determines its own current position; obtaining, at the server, a message based on input from a first client; obtaining, at the server, a designated location based on input from said first client; obtaining, at the server, an identification of a second client as the intended recipient of said message, based on input from said first client; obtaining, at the server, identification of a third client which is to be tracked for delivery of said message; determining, from the position-determining device of said third client to be tracked for delivery of said message, whether said third client being tracked has arrived at said designated location; and automatically triggering electronic delivery of said message to the second client upon said third client being determined to have arrived at said designated location, with each of the first, second and third clients being different clients.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 20 and 22.

Regarding claim 33, Vataja teaches enabling each of the plurality of users to both send and receive electric message data (Sections 0023 and 0033); processing and storing electronic message data provided by the sender (Sections 0027-0028); tracking the position of the specified mobile object (Sections 0007 and 0031); automatically delivering the stored message data to the intended recipient upon arrival of the specified mobile has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion

than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the sender provided the electric message data (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

The prior art of record fails to teach a method for operating an electronic communications system servicing a plurality of users for enabling any sender using a first device to automatically deliver a message electronically to an intended recipient using a second device, based on the tracked position of a third device, the method comprising acts of enabling each of the plurality of users to both send and receive electronic message data; processing and storing electronic message data provided by the sender; tracking the position of the third device automatically delivering the stored electronic message data to the second device of the intended recipient upon arrival of the third device at a designated location, with each of the first, second and third devices being different devices.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 33-39.

Regarding claim 40, Vataja teaches the means for enabling the sender and the intended recipient to both send and receive an electronically deliverable message

(Sections 0023 and 0033); means for obtaining a message provided by the sender (Sections 0025-0028); means for obtaining a location designated by the sender for delivery of the message (Sections 0004-0006 and 0027); means for tracking a specified mobile object having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals (Sections 0007, 0029, and 0031); means for determining from the transmitted current position whether the specified mobile object has reached the designated location (Sections 0007, 0029, and 0031); means for initiating a procedure for automatic delivery of the message electronically to the intended recipient upon the specified mobile object being determined to have reached the designated location (Sections 0008 and 0031); and identifying the specified mobile object, wherein the specified mobile object has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the sender provided the message (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

The prior art of record fails to teach an apparatus to electronically deliver a message from a sender using a first device to an intended recipient using a second

device based on tracking movement of a third device, the apparatus comprising means for enabling both the sender and the intended recipient to send and receive an electronically deliverable message; means for obtaining a message provided by the sender; means for obtaining a location designated by the sender for delivery of said message; means for tracking the third device having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals; means for determining from the transmitted current position whether the third device has reached said designated location; means for initiating a procedure for automatic delivery of said message electronically to the second device of the intended recipient upon the third device being determined to have reached said designated location, with each of the first, second and third devices being different devices.

Regarding claim 41, Vataja teaches means for obtaining, at the server, a message based on input from a first client (Sections 0025-0028); means for obtaining, at the server, a designated location based on input from the first client (Sections 0004-0006 and 0027); means for obtaining, at the server, an identification of a second client as the intended recipient of the message, based on input from the first client (Sections 0004-0006, 0027-0028, and 0031-0032); means for obtaining, at the server, identification of a mobile client to be tracked for delivery of the message (Sections 0007, 0029, and 0031); means for determining, from the position-determining device of the client to be tracked for delivery of the message, whether the client being tracked has arrived at the designated location (Sections 0007, 0029, and 0031); means for

automatically triggering electronic delivery of the message to the intended recipient upon the tracked mobile client being determined to have arrived at the designated location (Sections 0008 and 0031); and means for identifying the tracked mobile client, wherein the tracked mobile client has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the first client provided the input (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

The prior art of record fails to teach an apparatus for delivering a message with an electronic communication system servicing a plurality of clients in a client-server relationship, wherein the system includes a server, and wherein each of the clients includes a position- determining device for determining its own current position, the apparatus comprising means for obtaining, at the server, a message based on input from a first client; means for obtaining, at the server, a designated location based on input from said first client; means for obtaining, at the server, an identification of a second client as the intended recipient of said message, based on input from said first client; means for obtaining, at the server, identification of a third client to be tracked for delivery of said message; means for determining, from the position-determining device

of said client to be tracked for delivery of said message, whether the third client being tracked has arrived at said designated location; means for automatically triggering electronic delivery of said message to the second client of the intended recipient upon the third client being determined to have arrived at said designated location, with each of the first, second and third clients being different clients.

Regarding claim 42, Vataja teaches means for obtaining, at the server, a message based on input from a first client (Sections 0025-0028); means for obtaining, at the server, a designated location based on input from the first client (Sections 0004-0006 and 0027); means for obtaining, at the server, a delivery rule based on input from the first client for delivering the message to an intended recipient, wherein the delivery rule includes arrival of a specified mobile client at the designated location (Sections 0004-0006, 0027-0028, and 0031-0032); means for determining, from the position-determining device of the mobile client, whether the specified mobile client has arrived at the designated location (Sections 0007, 0029, and 0031); means for upon the specified mobile client being determined to have arrived at the designated location, triggering electronic delivery of the message to the intended recipient, based upon the delivery rule (Sections 0008 and 0031); and means for identifying the tracked mobile client, wherein the tracked mobile client has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the first client provided the input (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

The prior art of record fails to teach an apparatus for delivering a message with an electronic communication system servicing a plurality of clients in a client-server relationship, wherein the system includes a server, and wherein each of the clients includes a position- determining device for determining its own current position, the apparatus comprising means for obtaining, at the server a message based on input from a first client; means for obtaining, at the server, a designated location based on input from said first client; means for obtaining, at the server, a delivery rule based on input from said first client for delivering said message to a second client of an intended recipient, wherein said delivery rule includes arrival of a third client at said designated location; means for determining, from the position-determining device of the third client, whether the third client has arrived at said designated location; means for upon the third client being determined to have arrived at said designated location, triggering electronic delivery of said message to the second client of the intended recipient, based upon said delivery rule, with each of the first, second and third clients being different clients.

Regarding claim 47, Vataja teaches means for enabling the sender and the intended recipient to both send and receive an electronically deliverable message

(Sections 0023 and 0033); means for processing and storing message data provided by the sender (Sections 0025-0028); means for tracking the position of the specified mobile object (Sections 0007, 0029, and 0031); means for automatically delivering a message electronically to the intended recipient upon arrival of the specified mobile object at a designated location (Sections 0008 and 0031); and means for identifying the specified mobile object, wherein the specified mobile object has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the sender provided the message data (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

The prior art of record fails to teach an apparatus for operating an electronic communications system servicing a plurality of users for enabling any sender using a first device to automatically deliver a message electronically to an intended recipient using a second device, based on the tracked position of a third device, the apparatus comprising means for enabling both the sender and the intended recipient to send and receive an electronically deliverable message; means for processing and storing message data provided by the sender; means for tracking the position of the third device; means for automatically delivering a message electronically to the second

device of the intended recipient upon arrival of the third device at a designated location, with each of the first, second and third devices being different devices.

Regarding claim 48, Vataja teaches obtaining a message provided by the sender (Sections 0025-0028); obtaining a location designated by the sender for delivery of the message (Sections 0004-0006 and 0027); tracking a specified mobile object having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals (Sections 0029-0031); determining from the transmitted current position whether the specified mobile object has reached the designated location (Sections 0007, 0029, and 0031); and initiating a procedure for automatic delivery of the message electronically to the intended recipient upon the specified mobile object being determined to have reached the designated location, and wherein the specified mobile object has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the sender provided the message (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

The prior art of record fails to teach a method to electronically deliver a message from a sender using a first device to an intended recipient using a second device based

on tracking movement of a third device, the method comprising acts of: obtaining a message provided by the sender; obtaining a location designated by the sender for delivery of said message; tracking the third device having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals; determining from the transmitted current position whether the third device has reached said designated location; and initiating a procedure for automatic delivery of said message electronically to the second device of the intended recipient upon the third device being determined to have reached said designated location, with each of the first, second and third devices being different devices.

Regarding claim 49, Vataja's method for delivery of advertisement information to mobile units teaches obtaining a message provided by the sender (Sponsor/User) (Sections 0025-0028); obtaining a location designated by the sender for delivery of the message (Sections 0004-0006 and 0027); tracking a specified mobile object having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals (Sections 0029-0031); determining from the transmitted current position whether the specified mobile object has reached the designated location (Sections 0029-0031); and initiating a procedure for automatic delivery of the message electronically to the intended recipient upon the specified mobile object being determined to have reached the designated location (Sections 0008 and 0031), and wherein the message is at least one of data, text, audio and video modes (SMS, picture; Sections 0025, 0027, and 0034); and wherein the

specified mobile object has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the sender provided the message (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

Owensby's method for providing targeted messages based on wireless mobile location teaches a mode in which the message is reproduced for the intended recipient is in accordance with a setting controlled by the intended recipient (Col. 9 line 50-Col. 10 line 11).

The prior art of record fails to teach a method to electronically deliver a message from a sender using a first device to an intended recipient using a second device based on tracking movement of a third device, the method comprising acts of obtaining a message provided by the sender; obtaining a location designated by the sender for delivery of said message; tracking the third device having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals; determining from the transmitted current position whether the third device has reached said designated location; and initiating a procedure for automatic delivery of said message electronically to the second device of

the intended recipient upon the third device being determined to have reached said designated location, wherein said message is at least one of data, text, audio and video modes, wherein a mode in which said message is reproduced by the second device for the intended recipient is in accordance with a setting controlled by the intended recipient, with each of the first, second and third devices being different devices.

Regarding claim 50, Vataja teaches obtaining a message provided by the sender (Sections 0025-0028); obtaining a location designated by the sender for delivery of the message (Sections 0004-0006 and 0027); tracking a specified mobile object having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals (Sections 0029-0031); determining from the transmitted current position whether the specified mobile object has reached the designated location (Sections 0007, 0029, and 0031); and initiating a procedure for automatic delivery of the message electronically to the intended recipient upon the specified mobile object being determined to have reached the designated location (Sections 0008 and 0031), wherein the message is at least one of data, text, audio and video modes (SMS, picture; Sections 0025, 0027, and 0034); and identifying the specified mobile object, wherein the specified mobile object has a motion characteristic not associated with motion of the intended recipient (Sections 0004-0008 and 0027-0032, if both devices had the same motion than there would be no need to transmit a message since the users would be next to each other).

Teshima teaches wherein the designated location is a different location from where the mobile sender provided the message (Sections 0015-0016 and 0047-51, teaches the sponsor [can be at home on a home PC or on a mobile phone in a different state communicating to the network navigation center] and the network navigation center where the message is sent is a different location from a designated location).

The prior art of record fails to teach a method to electronically deliver a message from a mobile sender using a first device to an intended recipient using a second device based on tracking movement of a third device, the method comprising obtaining a message provided by the mobile sender; obtaining a location designated by the mobile sender for delivery of said message; tracking the third device having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals; determining from the transmitted current position whether the third device has reached said designated location; initiating a procedure for automatic delivery of said message electronically to the second device of the intended recipient upon the third device being determined to have reached said designated location, with each of the first, second and third devices being different devices.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lohtia discloses a location based messaging. Thenthiruperali discloses a system for conveying location-granularity preferences with location-based service requests. Obradovich discloses a technique for effective communications with and provision of global positioning system based advertising information to automobiles. Jenkins discloses a system of accessing and recording messages at coordinate way points. Takiguchi discloses a location messaging system using GPS. Greene discloses a location specific messaging system. Busso discloses a mobile communication system enabling location associated messages. Fransioli discloses a location based messaging system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 8:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NAY MAUNG/
Supervisory Patent Examiner, Art Unit 2618

/Andrew Wendell/
Examiner, Art Unit 2618

11/5/2010